

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

V.

Rafael GARCIA-Montez

AKA: Jorge Garcia, SALAZAR

Defendant.

Magistrate Case No.

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326;

Deported Alien Found in the United States

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JUN 24 AM 9:42
SOUTHERN DISTRICT COURT
COUNTY OF CALIFORNIA
VIOLATION OF
CP
DEPUTY

The undersigned complainant, being duly sworn, states:


On or about, **June 18, 2008**, within the Southern District of California, defendant, **Rafael GARCIA-Montez, AKA: Jorge Garcia, SALAZAR**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

D. Woody
SIGNATURE OF COMPLAINANT
Immigration Enforcement Agent
U.S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS ~~24th~~ DAY OF ~~June~~ 2008.

DESCRIBED IN MY PRESENCE, THIS 24th DAY OF June 2008.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On **June 18, 2008**, the defendant identified as **Rafael GARCIA-Montez, AKA: Jorge Garcia, SALAZAR**, was arrested by the San Diego Police Department, in San Diego, California for violation of the California Penal Code, PC-166 (A)(4) "CONTEMPT: DISOBEY COURT ORDER" and booked into County Jail.

On June 18, 2008, an Immigration Enforcement Agent with Immigration and Customs Enforcement determined the defendant to be a citizen of Mexico and placed a Form I-247 (Immigration Detainer) pending his release from custody. On Monday, June 23, 2008, at approximately 3:50 a.m. the defendant was referred to United States Immigration and Customs Enforcement ICE/DRO custody. An Immigration Enforcement Agent reviewed various sources of information and conducted official record checks in regards to the defendant confirming him to be a citizen of Mexico having been previously removed from the United States.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was ordered removed from the United States by an Immigration Judge on or about January 31, 2006 and physically removed to Mexico on or about January 31, 2006 via the San Ysidro Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System (IDENT) and Automated Fingerprint identification System (IAFIS) were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as **Rafael GARCIA-Montez, AKA: Jorge Garcia, SALAZAR**, a citizen and national of Mexico.